

Agenda 8A.1
Township Council Meeting Date 6/28/05
Ordinance Number 0-05-20

AN ORDINANCE OF THE TOWNSHIP OF HOWELL, MONMOUTH COUNTY, NEW JERSEY CREATING A NEW CHAPTER 18 ENTITLED "CODE OF ETHICS AND CONDUCT" TO GOVERN THE EMPLOYMENT OF EMPLOYEES AND REQUIRE COMPETITIVE NEGOTIATION FOR PROFESSIONAL SERVICE CONTRACTS

WHEREAS, the Township of Howell is committed to providing a government which maintains the highest level of integrity and efficiency; and

WHEREAS, the governing body believes that the public interest is best served by requiring that the Township of Howell appoint employees and officials in a manner that provides the best person qualified for the position; and

WHEREAS, it is further found and determined that contracts to outside consultants for professional services are best awarded in the public interest by requiring solicitation of bids for the basis of competition and negotiation; and

WHEREAS, it is further found and determined that a strict policy on nepotism safeguards against inefficiency, corruption and provides for a more balanced workplace.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Howell, in the County of Monmouth and State of New Jersey as follows:

SECTION 1. The Township Code of the Township of Howell is hereby amended and supplemented so as to create a new Chapter 18 as follows:

CODE OF ETHICS AND CONDUCT

1-10 Definitions.

Family Member - For purpose of this ordinance, means spouses, children, parents, grandparents, grandchildren, brothers, sisters, nieces, nephews, uncles, aunts, first cousins, mothers-in-law, fathers-in-law, sisters-in-law, brothers-in-law, sons-in-law

and daughters-in-law.

Party Officials - Party Official is defined as a chairperson or vice-chairperson of a Howell Township County Political Committee or the president and vice-president of a Howell Township political club or organizations.

Professional Services - for purposes of this ordinance means, as defined at N.J.S.A. 40A:11-2(6), services rendered or performed by a person authorized by law to practice a recognized profession, whose practice is regulated by law, and the performance of which services requires knowledge of an advanced type in a field of learning acquired by a prolonged formal course of specialized instruction and study as distinguished from general academic instruction or apprenticeship and training. For purposes of this ordinance, however, professional services shall not include professional artistic services as defined at N.J.S.A. 40A:11-2(6). Professional services shall include financial services or insurance services.

Performance Base Negotiations for Professional Services Contract

1-11 General Provisions.

- A. The municipality shall award all contracts or agreements for the provision of professional services contracts on the basis of qualifications and competitive negotiation.
- B. Professional Service contract requests for proposal shall be published by the posting of a public notice at least 45 days prior to the awarding of any contract for professional services. In the event a professional service contract must be awarded on an expedited basis, the Manager shall determine the appropriate time for notification and completion of the request for proposals after advising the Township Mayor and Council of the reason for waiver of the 45 day notice contained herein.
- C. The public notice shall be:
 - 1. Prominently posted in the public place reserved for Sunshine Law notices;
 - 2. Mailed, telephoned, telegraphed, faxed or hand delivered to at least two newspapers designated to receive such notices because they have the greatest likelihood of informing the public within the municipality, one of which shall be the official newspaper of the municipality; and
 - 3. Filed with the clerk of the municipality.
- D. The public notice shall, at minimum, include:
 - 1. A description of the professional services needed, including, where appropriate, a description of tasks involved.

2. The manager, with the advice and consent of the Mayor and Council, shall memorialize such qualification requirements within the Township's Policies and Procedures Manual.
3. Notice that standardized submission requirements and selection criteria are on file and available at a stated location in the Township.
4. Deadline and place for all submissions.
5. Budget appropriation or cap at the discretion of the governing body and manager's office.

E. Standardized submission requirements shall include:

1. Names and roles of the individuals who will perform the task and a description of their experience with projects similar to the matter being advertised.
2. References and record of success.
3. Description of ability to provide the services in a timely fashion (including staffing, familiarity and location of key staff).
4. Cost details, including the hourly rates of each of the individuals who will perform services and time estimates for each individual, all expenses, and, where appropriate, total cost of "not to exceed" amount.

F. The selection criteria to be used in awarding a contract or agreement for professional services shall include:

1. Qualifications of the individuals who will perform the tasks and the amounts of their respective participation.
2. Experience and references.
3. Ability to perform the task in a timely fashion, including staffing and familiarity with subject matter.
4. Cost consideration - including, but not limited to, historical costs for similar professional services, expertise involved and comparable costs for comparable public entities.

G. All submissions shall be kept on file during the term of the related contract, and shall be public records after the deadline for the submission of proposals. This paragraph is subject to Open Public Record Act (OPRA) exemptions or exclusions to protect privacy rights.

- H. The governing body shall discuss the merits of all proposals and bidders publicly and memorialize their reasons in a resolution authorizing the award of any contract for professional services.
- I. In the event that compliance with part or all of the requirements of this ordinance is impracticable as regards a particular contract or agreement, the Township Council may waive part or all of the requirements by a majority vote of the full Council in the appointing resolution setting forth with specificity the reasons such waiver is required.
- J. All contract awards under this section, shall remain subject to the provisions of the "Local Public Contracts Law" as set forth in N.J.S.A. 40A:11-1 et seq.

CODE OF ETHICS FOR TOWNSHIP OF HOWELL

1-12 Ethics Provisions.

- A. All elected officials of the Township of Howell and candidates seeking office to the Mayor or Council positions shall be prohibited from the following:
 - 1. Accepting campaign contributions from any firm engaged in the business of residential or commercial development within the State of New Jersey. This provision applies to any firm, partnership or corporation whose primary business purpose is the development of major subdivisions and site plans of either residential or commercial nature, whether their primary offices are located within a geographic boundaries of the State of New Jersey or outside those boundaries.
 - 2. The acceptance of gifts of any kind regardless of their monetary value from any person doing business with the Township or seeking to do business with the Township. This includes, but is not limited to, accepting gifts from persons with applications in front of any Township Board, Agency or Commission at any time. This also includes the prohibition of gifts from any professionals representing an applicant in front of any Township Boards, Agencies or Commissions. A "gift" refers to items with or without monetary value, including food items, complimentary tickets to events, dinners or other activities. Such prohibition will apply an additional 12 months after an elected official leaves office. Each candidate for office and elected officials must submit a statement of compliance to the Township Clerk's Office attesting to their adherence of this ordinance.
 - 3. Food or refreshments provided to Mayor and Council and staff through the manager's or clerk's office during business meetings or during discussions or conferences involving any member of Mayor and Council addressing official Township business is exempted from the provisions of this section.

1-13 General Code of Conduct for Township Employees and Officials.


- A. The Township Manager, in cooperation with the Mayor and Council, shall enact and adopt policies and regulations to regulate the conduct and professionalism of all Township employees. This code should be adopted by a resolution and incorporated into this chapter by reference.
- B. The Mayor and Council shall also enact for all elected and appointed officials a similar code and it shall be published and displayed in every Township building. Said final codes shall be adopted by resolution and incorporated into this chapter by reference.
- C. Employees shall be prohibited from working in a department of the Township or a family-member is a superior to the employee in that department. The manager shall transfer the employee or the superior within 180 days from the effective date of this ordinance or as soon as an appropriate lateral position becomes available in another manager. If the manager determines that there is no compatible position for a lateral transfer, the manager shall so report to the governing body with his or her recommendation that that individual remain in that position.
- D. Upon the effective date of this ordinance, the manager shall be prohibited from hiring a member of their family to any position within the Township. Family members of any members of the governing body are prohibited from being hired by the Township during the course of their term as an elected official. This prohibition shall continue for a period of twelve months immediately following the vacation of office by the elected official. Family members of Township professionals are prohibited by being employed or hired by the Township during the period of their appointment.
- E. Party Officials are prohibited from being hired by the Township for a period of 36 months after they terminate their appointment or official position. Family Members of a party official are prohibited from being hired by the Township for a period of 12 months after they leave office.
- F. The Township Manager or any other Township official with the capacity to appoint or employ individuals are prohibited from appointing a family member or party official from any board, commission or agency in which the family member or party official is entitled to salary and/or retirement benefits or other fringe benefits.

SECTION 2. This ordinance repeals any inconsistent ordinance or ordinances or part or parts thereof.

SECTION 3. This Ordinance shall take effect immediately upon its final passage and publication as required by law.

NOTICE

The ordinance published herewith was introduced and passed on first reading by the Township Council of the Township of Howell on May 17, 2005 and will be further considered for final passage and adoption at the Township Municipal Building on Preventorium Road, Howell, New Jersey on June 28, 2005 at 8:00 p.m. or as soon thereafter as the matter can be reached on the agenda, at which time and place all persons interested therein shall be given an opportunity to be heard and during the week prior thereto, and up to and including the date of such meeting, copies of said Ordinance will be available at the Clerk's Office in the Township of Howell Municipal Building to the members of the general public who shall request the same.



BRUCE DAVIS
Municipal Clerk

This is to certify that the foregoing Ordinance was adopted by the Township Council at a regular meeting of the Township of Howell held June 28, 2005



Bruce Davis, Municipal Clerk